

House File 652 - Introduced

HOUSE FILE 652

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 28)

A BILL FOR

- 1 An Act relating to the intentional avoidance of traffic-control
- 2 devices, providing penalties, and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.256, Code 2021, is amended to read
2 as follows:

3 **321.256 Obedience to official traffic-control devices —**
4 **intentional avoidance prohibited.**

5 1. No A driver of a vehicle shall not disobey the
6 instructions of any official traffic-control device placed
7 in accordance with the provisions of this chapter, unless at
8 the time otherwise directed by a peace officer subject to
9 the exceptions granted the driver of an authorized emergency
10 vehicle.

11 2. a. A driver of a vehicle shall not, with the intent
12 to avoid obedience to a traffic-control device placed in
13 accordance with this chapter, operate the vehicle upon or
14 through private property, or upon or through public property
15 that is not a street or highway.

16 b. A peace officer shall issue a warning memorandum in lieu
17 of a citation to a person for violating paragraph "a". This
18 paragraph is repealed January 1, 2022.

19 Sec. 2. Section 805.8A, subsection 8, paragraph b, Code
20 2021, is amended to read as follows:

21 b. Section 321.256, subsection 1..... \$135.

22 Sec. 3. Section 805.8A, subsection 8, Code 2021, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. Oc. Section 321.256, subsection 2...\$35.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Current law requires the driver of a vehicle to obey
29 traffic-control devices. This bill prohibits a driver
30 of a vehicle from intentionally avoiding obedience to a
31 traffic-control device by operating the vehicle on private
32 property, or public property that is not a street or highway.

33 A violation of the bill is a simple misdemeanor punishable
34 by a scheduled fine of \$35. However, the bill requires a peace
35 officer to issue a warning memorandum for the violation until

1 January 1, 2022.

2 By operation of law, under Code section 321.482A, if the
3 violation results in a conviction and causes a serious injury,
4 a court could impose an additional fine of \$500 or suspend the
5 person's driver's license for not more than 90 days, or both.
6 If the violation results in a conviction and causes a death,
7 a court could impose an additional fine of \$1,000 or suspend
8 the person's driver's license for not more than 180 days, or
9 both. Also by operation of law, under Code section 321E.17,
10 a driver who has a permit to operate a vehicle of excessive
11 size or weight and who is imposed a penalty for violating Code
12 section 321.256 commits a serious violation that could result
13 in denial, suspension, or revocation of the permit.